

Region 10 Tribal Operations Committee

Wednesday January 22, 2014
Seattle: Crown Plaza Downtown
In-person Meeting Minutes



Attendance

RTOC:

Violet Yeaton-Tribal Co-chair AK#2
Rosalie Kalistook Tribal Vice Co-Chair
Gabriel Bohnée – Idaho
Lance Whitwell- Alternate AK#3
David Fuller - W. Washington Alternate
Noelle Saluskin – Eastern Washington

Brian Holter, JR - Alternate AK#2
Daniel Chythlook-AK #3
Margaret Corvi – Oregon
Tom Downey- Oregon
James Holt- ID RTOC

NTOC:

Billy Maines, AK #2
Debra Lekanof - Western Washington
Lee Juan Tyler –ID, OR, W. Washington NTOC

Billy Jean Stewart – AK #2 Alternate
Ignatius Andrew – AK#1 Alternate
Victoria Kotongan - AK#1

EPA:

Dennis McLerran: Co Chair
David Allnutt: Co-Chair Alternate
Jim Woods – Senior Tribal Policy Advisor

Michelle Pirzadeh: Vice Co-Chair
Linda Anderson-Caranhan: Vice Co-Chair Alt.

EPA Support Staff:

Diana Boquist- Tribal Coordinator
Sally Thomas – EPA Co-Chair Alternate

JR Herbst - Tribal Coordinator

RTOC Staff:

Christy Belanger- Communications Specialist

Rick Eichstaedt- Policy Analyst

Excused:

Millie Hawley- Tribal Vice-chair AK#1 Alternate
Destiny Wellman - Western Washington
Kelly Wright - ID, OR, W. Washington NTOC Alternate

Team Building Exercise: Sono Hashisaki, Teresa Posakony**Special Presenters: Terry Williams, Tulalip Tribe**

- Please See Attachments: Team Building: Executive Summary

Elections

Motion by Billy Maine's to open the floor Nomination; seconded by Daniel Chythlook.

Motion carries

Nominations for Co-Chair			
• Violet Yeaton	By Daniel Chythlook	Accepted	
• Billy Maines	By Gabriel Bohnee	Accepted	
Nominations for Vice Co-Chair			
• Rosalie Kalistook	By Daniel Chythlook	Accepted	
• Gabriel Bohnee	by Billy Maines	Accepted	
Co-Chair Votes			
• Violet Yeaton	4		
• Billy Maines	7	Elected	
Vice Co-Chair Votes			
• Rosalie Kalistook	5		
• Gabriel Bohnee	6	Elected	

Election Result/Changes

EPA has advised the following for transition:

- Violet Yeaton will remain Co –Chair to Region 10 RTOC until September 30, 2014
- Rosalie Kalistook will remain Vice Co –Chair to Region 10 RTOC until September 30, 2014
- Port Graham Village Council will keep the grant until September 30, 2014
- Billy Maines will assume the Co –Chair position to Region 10 RTOC on October 1, 2014
- Gabe Bohnee will assume the Vice Co –Chair position to Region 10 RTOC on October 1, 2014
- Curyung Tribe will take over the grant for Region 10 RTOC on October 1, 2014

Action Items:

- Billy Maines needs to check with council about taking over the GAP grant for RTOC.
- Billy Maines will re-submit the IGAP FY15 Workplan/Budget for the Curyung Tribe ASAP.
- Debra Lekanof request additional discussion for amendments to last page of FY15 budget. (Statewide Environmental Events hosted by RTOC) Page 4.
Making changes to Grant Chart and Narrative come back to this at the next meeting.
- Billy Maines to make a note to consider other events for RTOC to attend.
- RTOC will review events for FY15 RTOC/EPA in-person meetings.
- Review options for RTOC Event to replace TELS.
- Look into assistance with other agencies and Tribes for Tribal Events/meetings.

Motion to Approve: Current FY15 Gap Grant with New Tribe amendments and the request to review

possible changes Statewide Environmental Events at a later date: by Billy Maines, Daniel Chythlook
Seconded. Motion Carried.

Violet Yeaton: Request to keep AFE in RTOC budget as this is an important Region 10 Environmental Event due to the number of Tribal Leaders and Tribal staff that attend that conference.

Dennis came to talk with the RTOC for a brief update:

Dennis McLerran: EPA Co-Chair

Michelle Pirzadeh: EPA vice Co-Chair

Welcome and Hello

- Introductions to the New Members
- Election Update and Changes
William "Billy" Maines: Co-Chair
Gabriel Bohnne: Vice Co-Chair
- Thank you to Violet Yeaton and Rosalie Kalistook for their years of excellent service

EPA UPDATES FY15:

Due to Budget Cuts and Funding, EPA will be cutting staff. (This will impact all EPA Departments)
RTOC Region 10 has the most tribes resulting in a high work load for EPA, as a result:

- EPA will no longer staff the Tribal Environmental Leaders Summit (TELS)
- Request FY15 RTOC meetings be planned with other events EPA is attending (Examples: AFN, AFE, ATNI, ECT)
- EPA request Ideas/Options to achieve the goals with limited funding and connect with the tribes.

Dennis is working hard on current issues and issues very important to tribes, engaging with the tribes.
Just to mention a few:

- Alaska: Bristol Bay Water Shed Assessment
- Alaska: Permits Issues (Cook Inlet and Oil Exploration)
- Oregon & Washington: Super Fund? cut Clean Ups

Decision Making:

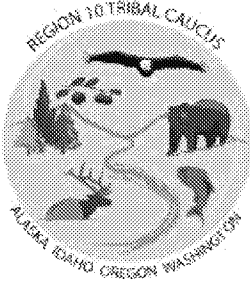
- Oregon & Washington: Super Fund Issues looming
- Portland Harbor
- Northern Idaho: Work doing Silver Valley
- Northern Idaho: Fort Hall moving forward clean-up plan
- Idaho: Fish Consumption based Water Quality Standards
- Washington State: Fish Consumption based Water Quality Standards

Many more to be discussed Friday and look forward to hearing RTOC Input on Area/Hot Spots for the Pacific Northwest.

Topics for Fridays Meeting:

- Idaho: Clean-up Plan
- Fish Consumption

Water Quality Standard



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Michelle Pirzadeh: Vice Co-Chair
David Allnutt: Co-Chair Alternate
Linda Anderson-Caranhan: Vice Co-Chair Alt.
Jim Woods – Senior Tribal Policy Advisor
Betsy Smidinger
Matthew Tejada
Luke Jones

Danny Gogel
Fran Stefan
Armina Nolan

EPA Support Staff:

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JR Herbst - Tribal Coordinator
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January 23, 2014

Lee Juan – can federal agencies assist EPA?

Dave – EPA does NEPA review – Dave’s office does it. HE proposed EPA’s role in NEPA review.

Sally – do we want EPA to present info on EPA’s authority on climate change adaptation planning?

Billy – Alaska has group that addresses basic infrastructure needs – need to use this as a model for dealing with climate issues in Alaska – there are other agencies that have authority to deal with adaptation – Alaska, Corps, FEMA, others. – new administrator has a lot of energy and wants to get things done.

Need to get regions on the same page –

Matthew Tajada/OEJ, Danny Gogel/HQ EPA/Luke Jones/AIEO joined meeting to discuss: EPA HQ addressing RTOC Priorities document in response to EJ issues:

Matthew, Director of OEJ with Danny Gogel (on phone): Matthew was in Region 10 last week – did not make it to Alaska – spent a lot of times with Jim Woods –

OEJ – what does it mean to EPA? OEJ is inside Office of Enforcement. Finalizing EJ 2014 – lots of progress has been made in the last several years.

Have been receiving lots of comments/consultation process on the policy on EJ and tribes –

EPA is working with states/tribe on fish consumption – EPA is being responsive on this issue – continue to prioritize – outside of EPA’s authority – states/tribes develop standards and EPA can send them back – Superfund – EPA can look more closely at localized data including fish consumption rates -- have not heard that much – EPA has this as a priority – EJ can help continue to make this a priority -- RTOC can provide local knowledge as an issue – What additional information is needed? Need more information from tribes on subsistence issues – need local information and understanding –

- David – need to include aspirational rates.
- James – need more time to gather data.
- Lee Juan – need to address superfund issues in southern Idaho.
- Rick – need to address risk assessment.
- Billy – what is fish under the consumption rate? Tribes eat all kinds of different fish – Alaska has 6.5 grams/day lower than the 17.5 EPA requirements – doesn’t Alaska need to increase it
- Matthew – good point – not aware of that – will follow-up –

- Gabe – Superfund/Hanford/DOE – issues with the DOE – claiming to be own regulator on waste – 2015 vision – open up large portions of the site – need to ensure that tribal uses of area is protective
- Matthew – EJ office can have a role in that – can work to further discussion with DOE
- Rose – Red Devil Mine – trying to deal with BLM – mercury pollution – need it listed as superfund project –
- Matthew –

We need to send letter in support of Superfund listing.

- Matthew – regulation and permit –
- EJ Policy Document – Danny – we need to review 200 comments – hope to complete document this year – still on line to review – principles are still the basis of the draft they are developing they are working on – so many tribes and regions results in lots of opinions, some are inconsistent
- Matthew – regulation and permitting – great strides integrating and coordinating permitting and enforcement – RTOC could help identify and raise issues of concern – regulation and permitting
- Lee Juan – wants the tribe to be able their own studies on superfund sites – tribes need to be part of clean-up process
- Matthew – EJ can work to highlight enforcement permitting issues

Discussion on Agency Wide Solid Plan: Betsy (on phone) and others -- Mathy wanted to be there but could not –

The plan is an internal document and the main priority is the promotion of sustainable tribal waste management programs through the development and implementation of IWMPs.

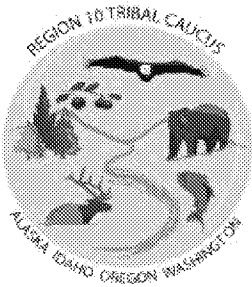
- An IWMP is good to have, but if it sits on the shelf it is not any good – EPA wants to see them implemented.
- Will continue to intend to document open dump assessments and get information into IHS database.
- • Consultation started in 2012 – GAP Guidance was under development – extended comment period to coordinate the two documents.
- All tribes were issued notification letters – the Plan is posted on EPA's website.
- Document talks about performance measures – increasing tribes covered by IWMP and closing open dumps.
- EPA is active member of infrastructure taskforce to address a number of issues including a new subgroup for solid waste.
- Agency wide Plan process – went into effect November 2013 –
- Eliminating open dump measure – by Oct 2014 plan to have new measure(s) – want input from tribes –
- Circuit riders – are available as part of the program
- Comments from Region 10 tribes – dealt with how we can build capacity in Alaska – clarification on definition of Class 1,2,3 landfills, and backfill issues.

- Luke – Section E of the GAP Guidance addresses fundable solid waste activities – backhaul is generally not fundable except in very limited circumstances
- Rose – what about ETEPs?
- Sally – ETEP – will be discussed later.
- Under GAP, two year exception would allow backhaul or other direct management issue
- Billy – integrated waste management plan – understands need for measurable outcome – Mathy was told it is great to have plans but plan needs funding to make it successful – what is typical to get a plan done let alone implementation – solid waste implementation needs to be addressed in GAP guidance – need to do know more than just a little – in Alaska, backhaul is an industry term – we call it reducing waste in landfills – recycling – solid waste is still a big priority – need tools to get it out after industry brings it in – need a sample waiver – will tell EPA what they want to do and EPA will fund it – EPA needs to help get it done
- Betsy – looking at how to get money for tribes for solid waste management –
- Billy – EPA should operate barge to collect waste – EPA should work with partners to create incentives to collect
- Betsy – looking for creative solutions
- Violet – how are regions implementing agency wide plan?
- Fran – coordination is occurring through monthly calls between HQ and regions – primary tool for coordination with HQ
- Fran -- How is region 10 implementing? IWMP – have been fostering financial support for training programs to interested tribes to write plan – no charge for the training – TWAN has template for IWMP –two circuit riders that will help with the plans, site visit, technical problem – form of training and on-site assistance at all times
- Betsy – work group on new performance measure – reaching out with tribes will occur to develop the new measure
- Violet – important that RTOC be involved
- Fran – update could be provided – HQ intends to conduct consultation on performance measure
- Kate – reinforce what Fran said – she wants to stress that this is priority for EPA – complicated authorities in regard to solid waste –
- Violet –The Alaska Tribes are very concerned about the elimination of opportunity to do back-haul with IGAP funding.
- Rose – can't understand why the success and hard work of the GAP funded solid waste is not recognized – villages do good work –
- Andrew – appreciate comment – in addition to weighing comments received – commitment to responding to deficiencies of IG's office –
- Luke – agency's overriding concern is making sure that they are administering program to protect resources allocated by Congress and positions EPA to get more – things funded need to be consistent with the funding authorities – cant fund things outside authority – could jeopardize program –
- Lee Juan – Luke said that risk factors are not there – industry needs to be on the hook –
- Ginny – FEM Policy – field and laboratory measures competency
- Forum on Environmental Measurement created by Office of Science Advisor
- FEM Policy – applies to grants including collecting, analyzing, or using data

- Need to demonstrate competency
- New October 1 for implementation
- Goal is to have tribes with PPGs submit a QMP to EPA in near future
- Armina – grants update – tribes should move to ASAP– will still get paid if there is a shutdown
 - Tribes can utilize the detailed budget worksheet and cost review form
 - Need to clarify that these are estimated numbers
 - Disadvantaged business program – Buy Indian Act will be used with tribal governments to throw away the disadvantages business program
 - No MBE/WBE reports required!
- Sally – ETEPS – along with Tribal Specialists
- GAP Guidance requires GAP recipients to EPA-Tribal Environmental Plan – 1. Tribal priorities; 2. EPA priorities; and 3. Regulated entities.
- Region 10 – 271 eligible recipients, 233 need to complete ETEPs
- 38 tribes do not have GAP grants
- Five years to complete all of them in Region 10
- ETEPs are good for 4-5 years
- Webinar on Jan 29.
- Document should identify tribal priorities: it does not mean EPA is going to fund them all.
- August – Beyond GAP – NWIFC – received a GAP grant – interviewing tribal reps to discuss the evolution of GAP – how should GAP evolve to implementation?
- NWIFC is interviewing people to learn about evolution of GAP

Karen Metchis – EPA Climate Change

Water Committee – State-Tribal Climate Change Committee -- National Climate Change Conference Call – 10:30 a – Jan 28 – Nonresponsive - Conference Code – code Nonresponsive Conference Code



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Debra Lekanof - Western Washington

Dennis McLerran, RTOC EPA Co-Chair

R10 Administrator Update:

- Bristol Bay Assessment Report by EPA
- Tribal Leaders Western Washington
- Fish Consumption Rates – Idaho, Washington & Alaska – need Fish consumption data

Super Fund Issues: Seattle Tribes have a very strong interest in the outcomes there and making sure we are consulting with the tribes on those working closely them on the plans for both major clean-ups.

Alaska Permits: EPA Staff doing a great job and making sure TEK is brought in to those processes, going out and consulting with the villages, making sure they are getting traditional knowledge, incorporating them into our analyses, making sure we are responding to the them.

Billy Maines: NTOC R10 CHAIR, RTOC AK2

Tribal Science Council priorities:

- TEK
- Looking for Clear Definition
- Looking for Tribal Input

R10 has been the Lead in many areas is:

- TEK
- Fish Consumption
- Treaty Rights

Update:

NTOC met 2 weeks ago in DC, topic Elections:

- Region 10 Co Chair: William “Billy” Maines
- Region 8 Vice Chair
- Tribal Chair: Charles Wagner

Topics of discussion

- Solid Waste (Key Issue for Region 8, 9, 10)

Advised Maddie:

Problem, is they develop a plan, but there is no funding to implement the plan.

Why develop another tool that is just going to end up on the shelf.

We have commitment with Maddie to continue the conversation on the Agency Wide Solid Waste Management fund.

We have commitment with Nancy Stoner with the Office of Water to follow up on the Fish Consumption Rate that has gone national due to Region 10 Work. That on the radar and we need to follow upon, especially when it comes to water quality standards.

Comment period has closed for the National Standards; we are no looking at the comments that come out for the final rule. Report Date unknown at this time.

- Environmental Justice
- Climate Change
Top Priority Administrator Gina McCarthy.
She listened very closely when it came to Region 10 as well as the Nation Tribal Caucus had with climate Change. Region 10 is the Leader Region dealing with climate change issues.

Administrator Gina McCarthy reaffirms the Indian Policy: it's a 30 year anniversary from the EPA's Indian Policy from 1984.

Carol B : Action Memo from 1994 (Took 10 Years)

Administrator Gina McCarthy looking at the Tribal Caucus and working with her to develop her own action plan (memo) looks and the successes of the past 20 years.

Administrator Gina McCarthy will be the lead in making sure it does happen.

Billy has another meeting with AIEO to talk about the next in person meeting in March.
Next NTOC Meeting (Conference Call) February 5th.

Two things to Mention

- 4 Year ago Tribal Caucus put together a long range plan/budgeting, FY12-FY16 time to re-visit that plan.
- Another thing is that McCarthy has seen on the newly Reformed White House Council Native American Affairs – We want her to utilize her position to drive home some of the issues that the native American people throughout the nation
One Being the Short Fall Funding, she will be in the company of other Department Heads and administrators for various depart. That the EPA is allowing tribes to do now. Maybe she can be the conduit now to start pulling that money together and utilizing it to the benefit of everyone else. Example: Denali Commission.

**Lee Juan Tyler: NTOC R10, RTOC: Idaho, E. Washington & E. Oregon
(Request Additional notes)**

- Clean Water Act
Protect Water and Peoples Health
we need to do something to cure: Need to be held accountable
- Idaho: The Fish Consumption
- Need more opperuntunties do more Grants and Funding for Climate Change

Dennis McLerran: They issues you put forward is why I am here, my team has these issues.

**Billy Jean Stewart: NTOC, RTOC AK2 Alternate
(Request Additional notes)**

- Clean Water Act

Nonresponsive

- Red Devil mine, they started the containment areas – We are worried about the animals that still roam there, eat there and then we eat them.
- Want to make sure are other tribal programs are safe, Do we need to make resolutions (Each tribe) to make sure they are not cutting other programs or IGAP.

Dennis McLerran:

- Funding Issue: EPA administrator are working hard to keep the IGAP funding and other funding safe, by cutting other areas to keep that funding. Tribal Funding

Violet Yeaton: Concerning Waste - In Alaska there is waivers for villages for the NPDES permit? Does the funding come through the state?

Dennis McLerran: Funding comes through the EPA, but then it going to the state for distribution. Then the state priorities where the funding go's to for the base water infrastructures go, that's the way it was structured by congress.

We have staffs that are working with the village and the state to create solutions and we understand there are communities they have not reached.

Action: EPA Request we plan another meeting to discuss this issue further, AFE Side Session or next meeting as This a complex issue and we are working on addressing this.

Lee Juan: This is an emergency, Suggest RTOC make a resolution to somebody to address this issue ASAP.

Dennis: EPA Staff - Dennis Wagner is in Alaska working on this issue every day. We need to get Dennis to come talk about this and the situations. It may be difficult for Funding,

David Fuller: RTOC Western Washington

(Request Additional notes)

- Fish Consumption Rate
Main Concern for the Tribes; Risk Rate is that the tribes are going to get stuck with 10 - 5th. And part of that comes from that discussed fish consumption rates and these types of issues with other tribes. State of Maine is told they have to accept 10 to -4 or 10-5 health risk for arsenic because the pulp and paper industry said it would be too difficult to address Arsenic in the northeast.
- Seattle Times – Stated Bellingham need to be concerned with fish consumption rates as the sewer bills will go from 30 to 300 a month.
- Boeing with still have to clean up the previous Messes
- Treaty Rights at Risk.
EPA does not have the authority, but the relationships to work with other agencies. Particularly the BIA is always MIA and others need be working with the EPA in this region and all the regions on Quantity Aspects of ?

Noelle Saluskin: RTOC Eastern Washington

(Request Additional notes)

Cattle Issue

- breathing fecal dust
- Unable to drink water from their wells, which are tainted by contaminants from dairy feed lots and contained animal feeding operations, or CAFOs.
- CAFOs

Coal Export is an Issue

Dennis McLerran

Coal is Issue in Washington and Alaska, Oregon: Our focus is to craft the engineers to put the due adequate view of those and put those issues forward.

To be help full, we can have our folks discuss this with you.

Kevin Greenly – Recommend for discussion

Tom Downey: RTOC Oregon (Request Additional notes)**Concerns**

- Fish Consumption
 - Super Fund Site
 - Updates Peace ability Study
 - Oil transportation
 - Water Rights
-
- Request Update on EK Mine
Dennis has not had an update.
-
- Understand Tribes involved in clean-up in Portland Harbor.
Decision Making is going to headquarters in Portland Harbor about clean up and the tribes involved in Portland Harbor don't have a presence in R10 to bring the issues too.
*Concern for tribes or Oregon and PNW Tribes

Dennis McLerran

His Understanding, Headquarters will be more engaged with the tribes.

High level Person will travel and Meet with the Tribes.

1st meeting was 2 weeks ago – Was setup with headquarters person

Next Meeting: Tribal Staff and Tech Staff – Jim Wolf – He will meet with Tribes.

Gabriel Bohnee: RTOC Idaho**James Holt: RTOC Idaho Alternate****(Request Additional notes)**

- Fish Consumption:
Worried about timeline as they may be unable to get data in, they request a Full Calendar Year.

Daniel Chythlook: RTOC Alaska 3**(Request Additional notes)**

- Supports Watershed Assessment.
- Fish consumption rate in Alaska needs to be increased.

Brian Holter: RTOC AK 2 Alternate

- SE Alaska – sockeye salmon run is depleted because of hatchery because Coho eat the sockeye fry.
- Due to Climate Change there is no snow in the mountains to feed the rivers/streams
Fish are unable to make it up the streams.

Rosalie Kalistook: RTOC Vice Chair Alaska 1
(Request Additional notes)

- National Air
- Climate Change on ITEP
- Continue Battle on on Erosion due to Climate Change
- Red Devil Mine

Violet Yeaton: RTOC Co-Chair Alaska 2

Address

IGAP Guidance and ETEP that are currently being developed by Tribes:

Is there a way to have EPA report back to RTOC as tribes are concerned about the new requirements. We would like to know if there has been a decrease in the IGAP applications due to the new IGAP Guidance requirements

Would like the Success of the ETEP, tracking them?

- **Alaska Tribes are working on assisting in revising the Oil Dispersant Guidelines in Alaska. ARRT held consultation meeting in November 2013 in Alaska but we have not received the draft comments from that meeting. Also providing comments on the ARRT Tribal Guidance regarding consultation**
- **Alaska Tribes are concerned about the EPA Proposed Rule on WQS in Alaska, requesting that EPA focus on Fish Consumption in reviewing/revising the WQS**
- **Tribes in the Cook Inlet area requested for consultation on the Cook Inlet Oil and Gas permit but have not received comments from that consultation**

Sally Thomas: EPA

Diana Boquist: EPA

All GAP Proposals was due January 1, She will check and get back to you.

- **Revising Guidelines to Oil Clean Up.**

Concerned on Working Group on Cleaning up Oils Spill prefers using Chemical instead of Labor work. They sound like they prefer to use the Chemicals to clean up instead of done the work to clean up the spill.

David Allnutt: EPA

we are sending people up there to with this and finding out the Truth
Emergency Response

- **Water Quality Review— EPA has proposed Rule on water quality service.**